

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD W. BECK,

Plaintiff,

No. CIV. S-04-0032-FCD-PAN

vs.

JO ANNE B. BARNHART,
Commissioner of Social
Security,

ORDER

Defendant.

This matter is before the court on plaintiff's motion for judgment and defendant's cross-motion for judgment. These motions were referred to the Honorable Peter A. Nowinski, United States Magistrate Judge, pursuant to 28 U.S.C. §§ 636, et seq., and Local Rule 72-302. On May 26, 2005, Judge Nowinski filed findings and recommendation which were served on all parties and objections were to be filed within ten days after service. Neither party has filed objections to the findings and recommendation.

1 The court has reviewed the file and finds the findings
2 and recommendation to be supported by the record and by the
3 magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED
4 that:

5 1. The Findings and Recommendation filed May 26, 2005, are
6 adopted in full;

7 2. Plaintiff's motion for summary judgment or remand is
8 granted and this matter is reversed and remanded; and

9 3. Defendant's cross-motion for summary judgment is denied.

10 DATED:July 29, 2005

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/s/ Frank C. Damrell Jr.

FRANK C. DAMRELL JR.

United States District Judge

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